Amendment Under 37 C.F.R. § 1.116
T/C Art Unit 2157, Expedited Procedure

03500.015094. PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: Lashonda T. Jacobs
YUICHI HIGUCHI	)	
	:	Art Unit: 2157
Application No.: 09/774,694	)	
	:	Conf. No.: 3090
Filed: February 1, 2001	)	
	:	
For: CLIENT-SERVER AND DEVICE, INFORMATION PROCESSING METHOD, PROGRAM AND MEMORY MEDIUM	) :) :	April 23, 2007

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION AFTER FINAL ACTION

Sir:

In response to the Office Action of January 18, 2006, the Examiner is respectfully requested to reconsider the above-identified application in view of the Remarks that begin at page 2.

This application has been reviewed in light of the Office Action dated January 18, 2006. Claims 1-8, 21-28, 41-48, 74 and 76-79 are presented for examination. Claims 1, 21 and 41 are in independent form. Favorable reconsideration is respectfully requested.

In the Office Action, Claims 1-8, 21-28, 41-48, 74 and 76-79 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,804,019 B2 (Shiohara) in view of U.S. Patent 6,369,907 (Aoki et al.).

Claim 1

Independent Claim 1 is directed to a server capable of communicating with a device. The server of Claim 1 comprises first and second storage units, the first being adapted to store information representing an ability of the device, and the second, to store information representing an ability of a device driver for the device. A retrieval condition reception unit receives a retrieval condition for selecting the device, and a comparing unit compares that retrieval condition with combined information that is formed by combining the information stored by the first storage unit and the information stored by the second storage unit. Also provided is an output unit adapted to output the result of that comparison.

Thus, when a request is received to identify a device capable of performing a given job (for example, a printer capable of performing a job in which it is specified that the output is to be double-sided and 2-up printing), the server of Claim 1 compares the requirements of the request with the mentioned combined information, which for each device combines both information about the device's own capabilities, and the capabilities of the device's driver. As a result, even if the device itself is not able to fulfill all the

conditions set in the request, if the rest of those conditions can nonetheless be fulfilled as a result of the capabilities of the driver, then that device is a candidate for performing the job in question.

For example, it is assumed that the retrieval condition is "double-sided printing and 2-up printing". In this case, if the ability of a certain device includes a double-sided printing function but does not include an N-up printing function, if the capabilities of the device driver corresponding to that device do include the N-up printing function, then that device can be selected as satisfying the retrieval conditions.

Shiohara

Shiohara relates to a technique of simplifying the work involved in setting a printer driver in a host computer. *Shiohara* uses a first and a second management table, of which the first identifies which module configuration information is stored in the system (see Fig. 3A), while the second table stores information indicating which execution modules are available in the system (see Fig. 3B). As discussed in *Shiohara*, and in particular in the passages cited in the Office Action, if the system lacks a given module configuration file needed when a new printer is added to the network or when a new unit is used as a replacement for an older, different one, this fact can be quickly determined by consulting the first management table, and in such instance the needed file is obtained directly from the newly added device itself (see col. 4, lines 9-42).

Similarly, if it is determined that a needed execution module is not available (and this is done by referring to the second management table), then the needed module can be requested from another host, or some other source, or the decision can be made to execute the job using only those execution modules that are available, even though this

means that the job will not be performed in exactly the intended manner (see col. 4, line 43, through col. 5, line 19).

More specifically, in the *Shiohara* system, if the user selects the printer, it is determined whether or not the module configuration information corresponding to the selected printer exists on the first management table. Then, if it is determined that the corresponding module configuration information exists on the first management table, it is further determined based on the relevant module configuration information whether or not the execution module exists on the second management table.

In *Shiohara*, thus, the purpose of using the first management table is quite different from that of using the second management table. There is in fact no reason for the data of the first management table to be combined with the data of the second management table, and, even if such a combination were somehow obtained, there is still no suggestion of such data ever being compared with a certain condition.

Applicant submits that nothing has been found, or pointed out, in *Shiohara* that would teach or suggest the recited comparing unit, which compares the contents of a received service request with combined information obtained by combining first information stored in a first storage unit and second information stored in a second storage unit. Indeed, nothing in *Shiohara* is seen to suggest that the first and second management tables should ever be combined, or that any portion of their contents should be combined. Much less does anything in that patent suggest making a comparison of a received service request with the results of such comparison.

Accordingly, it is believed to be clear that Claim 1 is allowable over *Shiohara*, taken alone.

Aoki

Aoki relates to a system that permits the capabilities of a printer to be enhanced by connecting the printer to a network to which other printers are connected. In the *Aoki* system, it appears that the printer that is connected to the network to improve is usefulness, achieves this improvement by accessing information about the functionalities of the other printer(s) connected to the network. When the printer is instructed to perform a print job, it performs the job, if it can do so. Otherwise, it accesses that information to determine what printers are capable of performing the print job precisely as instructed (see col. 9, lines 56-62). If the job can be performed by another printer on the network, then the job is transferred by a server to that other printer (col. 9, line 66, through col. 10, line 21).

From a careful consideration of *Aoki* and *Shiohara*, it is submitted that the rejection of Claim 1 is based on improper hindsight reconstruction fo the prior art, for the following reasons. Even if *Shiohara* were read as providing storage containing printer information and separate storage containing driver information, that patent (as discussed above) contains no suggestion to combine, much less to compare, those two bodies of information, nor to output results of such comparison. Thus, what would be needed to lead a person of merely ordinary skill to the structure recited in Claim 1, given *Shiohara*, would be some suggestion (1) to combine the printer-capability information, and the separately-stored driver information, (2) to compare the result with the retrieval condition, and (3) to output the result of that comparison. Even if *Aoki*'s system is deemed to compare the capabilities of the client printer with information about the capabilities of one or more other *printers* on the network, it is submitted that nothing has been found, or pointed out, in that patent that would even hint at comparing the capabilities of the client printer with

information about the capabilities of a *printer driver*, as recited in Claim 1. Thus, *Aoki* does not supply a teaching of combining printer and driver information of the type recited in Claim 1, and thus certainly cannot teach or suggest performing a comparison between the result of such combination with a retrieval condition, or outputting the result of such a comparison.

Moreover, *Aoki* also is not believed to supply any suggestion that would have le3d a person of merely ordinary skill to modify *Shiohara* by somehow combining available printer information with driver information. Even if *Aoki* is deemed to teach comparing printer information (about the client printer) with other printer information (relating to other printers on the network), nothing in that patent appears to hint at any reason why one would want to combine or compare *printer* information with *driver* information, as recited in Claim 1.

Accordingly, it is submitted that Claim 1 is allowable over *Shiohara* and *Aoki*, taken separately or in any possible combination (if any).

Independent Claims 21 and 41 method and program claims, respectively, corresponding to server Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the

same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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